

## **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed October 17, 2007. Claims 1, 7, and 25 are amended and claims 2, 3, 26, and 27 are canceled, their subject matter having been incorporated into their respective base claims. In addition, new claim 28 is added. Claims 1, 4-25, and 28 are now pending in view of the above amendments and cancellation of claims.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. GENERAL CONSIDERATIONS**

#### **A. Claim Amendments and/or Cancellations**

With particular reference to the claim amendments, Applicants note that while claims 1, 7, and 25 have been amended herein, and claims 2, 3, 26, and 27 have been canceled, such amendments and cancellations have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

#### **A. Remarks**

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the

fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

## **II. ALLOWED SUBJECT MATTER**

The Examiner's allowance of claims 13-24 is appreciated. Applicants wish to thank the Examiner for the careful review and allowance of those claims.

## **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1-12 and 25-27 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,781,727 to *Auracher et al.* ("Auracher") in view of U.S. Patent No. 6,863,453 to *Wang et al.* ("Wang"). Applicants respectfully traverse the rejection.

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim elements. *MPEP* § 2143.

Claim 1, as amended, now recites a circuit “...wherein said first transmission line comprises a matching impedance, and wherein said second transmission line is electrically connected to said first transmission line at a connection point that is located between said matching impedance and said optical assembly such that no matching impedance is positioned between said optical assembly and said connection point....” Support for this amendment may be found at least in Figure 4 and in paragraphs [043] and [044] of the original disclosure. In contrast, the Examiner has not established that the references, whether considered individually or in combination, teach or suggest the aforementioned element. In fact, matching resistors R2 and R\*2 of *Auracher* are positioned between the line containing components L and L\* (identified as the claimed “second transmission line”) and the light emitting diode LD (identified as the claimed “optical assembly”).

Amended claim 25, although of different scope, recites language similar to that of claim 1. For example, claim 25 recites, among other things: “...wherein said first transmission line comprises at least one matching impedance, and wherein said second transmission line is connected to said first transmission line at a connection point that is located between said at least one matching impedance and said optical assembly such that no matching impedance is positioned between said optical assembly and said connection point.” Therefore, Applicants submit that the rejection of claim 25 is deficient for the same reasons discussed above with respect to claim 1.

Claim 7, as amended, recites, among other things: “a first transmission line comprising a first end, a first end matching impedance, a second end, and a second end matching impedance...and means for biasing...electrically connected to said second end of said first transmission line at a connection point that is located between said second end matching impedance and [a] means for generating optical signals.” Support for this amendment may be found at least in Figure 4 and in paragraphs [042]-[044] of the original disclosure. In contrast, the Examiner has not established that the references, whether considered individually or in combination, teach or suggest the aforementioned elements.

Therefore, a *prima facie* case of obviousness does not exist with respect to claims 1, 7, and 25 and the rejection of claims 1, 7, and 25, and corresponding dependent claims 2-6, 8-12, 26, and 27, should be withdrawn.

**IV. NEW CLAIM 28**

Applicants note new claim 28 has been added herein. Support for new claim 28 can be found at least in paragraphs [049] and [050] of the original disclosure. Because new claim 28 depends from claim 7, Applicants respectfully submit that claim 28 is allowable at least because claim 7 is allowable, as discussed in section III above.

**CONCLUSION**

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 1, 4-25, and 28 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 19<sup>th</sup> day of February 2008.

Respectfully submitted,

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